

**\*E-FILED 10/17/05\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

XICAT INTERACTIVE LTD.,

NO. 5:05-cv-803 RS

Plaintiff,

v.

**ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL AND  
PARTIES' REQUESTS FOR  
SANCTIONS**

CAPCOM ENTERTAINMENT,

Defendant.

Plaintiff Xicat Interactive Ltd. ("Xicat") moves to compel responses to its document request from defendant Capcom Entertainment ("Capcom") and also seeks sanctions as a result of Capcom's alleged failure to provide any responsive materials. Capcom states that all responsive documents have been provided and that, as a result, it is entitled to sanctions since Xicat refused to withdraw its motion to compel even after receiving the requested information. The motion to compel, as well as both parties' requests for sanctions, was fully briefed and submitted on the papers pursuant to Civil L.R. 7-1(b). Although at the time the moving papers were filed Xicat had not received any responsive documents, it concedes in its reply brief that the motion to compel is now moot, as Capcom has since submitted sufficient responses to all document requests. Xicat's motion to compel, therefore, is denied as moot. In addition, the Court denies both parties' requests for sanctions, as neither side complied with Civil L.R. 7-8(a), which requires that a motion for sanctions be filed independent of other motions.

**United States District Court**  
For the Northern District of California

1 IT IS SO ORDERED.

2 Dated: 10/17/05

/s/ Richard Seeborg  
RICHARD SEEBORG  
United States Magistrate Judge

**THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN DELIVERED TO:**

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**Dated: 10/17/05**

**Chambers of Judge Richard Seeborg**

**By:          /s/ BAK**

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